--In a data distribution system for distribution of music data from an information service center to remote user terminal equipment, the music data distributed to the user's terminal is divided into an outline data part representing an outline of the music data and a supplement data part recombinable with the outline part to restore the music data. The outline and supplement parts are time-division transmitted to the terminal equipment. Even if the terminal equipment receives data at a low transfer rate it can receive the outline part first and reproduce, for continuous monitoring, the music data being downloaded.--

B1

REMARKS

Claims 1-24 remain in the application. The Claims and the Specification have been carefully reviewed with particular attention to the points raised in the Office Action. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Attached hereto is a version with markings to show changes made to the Abstract of the Disclosure by the current Amendment.

Reconsideration is respectfully requested of the rejection of claims 1, 6, 9, 15, 21, and 24 under 35 U.S.C. § 102(e), as having been anticipated by U.S. Patent No. 5,917,835 (Barrett et al.).

Applicants have carefully considered the Examiner's

comments and the cited reference, and respectfully submit that claims 1, 6, 9, 15, 21, and 24 are patentably distinct over the cited reference for at least the following reason.

The present invention relates to a data distribution system and method for distributing digital music data. The system includes a data transmitter installed at a data control center and a data receiver at a user's side. The data transmitter and the data receiver are connected via a communication network. The data transmitter receives a request from the data receiver via the network, retrieves requested data, divides the requested data into an outline part and a supplement part, and transfers the outline and supplement parts to the data receiver. The outline part is transferred first, followed by transferral of the supplement part. The outline and supplement parts are recombined at the data receiver to restore the data.

Barrett et al., as understood by applicants, relates to a method and system for mitigating and compensating for loss of digital audio data transmitted as a stream of packets to a client. A server compresses the digital audio data corresponding to a digitized analog audio signal and divides the compressed data into N frames of data per packet, each frame including a successive portion of the digital audio data. The frames are interleaved by the server in a predefined manner such that adjacent frames in each packet do not contain temporally contiguous portions of the digital audio data. The interleaving may be performed by a linear

process that selects every other frame of each packet or by a nonlinear process whereby a permutation function is used to select frames to be interleaved. The frames are then transmitted to the client, where they are deinterleaved so that portions of the digital audio data in the frames are ordered sequentially and temporally.

The Examiner contends that the present invention is anticipated by the disclosure by Barrett et al. of the division of data into frames for easy transmission. Applicant respectfully maintains that Barrett et al. does not disclose or suggest the use of dividing means to divide a desired program into an outline part and a supplement part that are transmitted in that order and that are recombined by recombining means to restore the desired program (see Specification of the present application, p. 3, lns. 10-13, 19-20; p. 4, lns. 7-10; p. 7, lns. 2-5; p. 8, lns. 17-21; p. 9, lns. 1-15).

Accordingly, for the above-stated reason, it is respectfully submitted that independent claims 1, 9, 15, and 24 are patentably distinct over Barrett et al.

Claim 6 depends from claim 1, which for the reason set forth above is thought to be patentably distinct over Barrett et al. and, for that very same reason, claim 6 is also submitted to be patentably distinct thereover.

Claim 21 depends from claim 15, which for the reason set forth above is thought to be patentably distinct over Barrett et al. and, for that very same reason, claim 21 is also

submitted to be patentably distinct thereover.

Reconsideration is respectfully requested of the rejection of claims 2, 10, and 16 under 35 U.S.C. § 103(a), as being unpatentable over Barrett et al., in view of U.S. Patent No. 5,469,474 (Kitabatake).

Applicant has carefully considered the Examiner's comments and the cited references, and respectfully submits that claims 2, 10, and 16 are patentably distinct over the cited references for at least the following reason.

Kitabatake, as understood by Applicant, relates to a method of allocating optimal quantization bit numbers to a plurality of frequency band signals into which an input signal is divided.

The Examiner contends that Kitabatake discloses the division of audio data into a plurality of bands having different respective frequency components. However, neither Barrett et al. nor Kitabatake, alone or in combination, suggest any benefits to be had by dividing a desired program retrieved by retrieving means into an outline part and a supplemental part that are recombined by recombining means to restore the initial program.

Applicant respectfully submits that, even combining Barrett et al. with Kitabatake, the subject matter of claims 2, 10, and 16 is not disclosed.

Accordingly, for the above-stated reason, it is respectfully submitted that claims 2, 10, and 16 are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 3, 11, and 18 under 35 U.S.C. § 103(a), as being unpatentable over Barrett et al., in view of U.S. Patent No. 5,734,657 (Kim).

Applicant has carefully considered the Examiner's comments and the cited references, and respectfully submits that claims 3, 11, and 18 are patentably distinct over the cited references for at least the following reason.

Kim, as understood by Applicant, relates to an encoding method that utilizes masking characteristics of channels for bit allocation so as to improve sound quality when reproducing an audio signal, wherein when audio signals of at least 2 channels are encoded a number of bits of a channel where an MNR value of each divided band is more than a predetermined value are reserved and a number of bits corresponding to the number of remaining bits are additionally allocated to each divided band of another channel having an MNR value less than the predetermined value.

The Examiner contends that Kim discloses the generation of outputs through addition of a plurality of channels for the audio data by the dividing means. However, neither Barrett et al. nor Kim, alone or in combination, suggest any benefits to be had by dividing a desired program retrieved by retrieving means into an outline part and a supplemental part that are recombined by recombining means to restore the initial program.

Applicant respectfully submits that, even combining

Barrett et al. with Kim, the subject matter of claims 3, 11, and 18 is not disclosed.

Accordingly, for the above-stated reason, it is respectfully submitted that claims 3, 11, and 18 are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 4, 12, and 19 under 35 U.S.C. § 103(a), as being unpatentable over Barrett et al., in view of U.S. Patent No. 5,731,767 (Tsutsui et al.).

Applicant has carefully considered the Examiner's comments and the cited references, and respectfully submits that claims 4, 12, and 19 are patentably distinct over the cited references for at least the following reason.

Tsutsui et al., as understood by Applicant, relates to an encoding and decoding apparatus and method using transform processing to allow a waveform element of a corresponding block to interfere with waveform elements of blocks adjoining in both directions at the time of inverse transform processing to compose a waveform signal, whereby amplifying processing in encoding and corresponding correction processing in decoding can be performed without inconsistency between blocks. Occurrence of pre-echo is prevented by using spectrum transform processing of high encoding efficiency.

The Examiner contends that Tsutsui et al. discloses dividing means for dividing a frequency band of the audio data into an even spectrum and an odd spectrum. However, neither Barrett et al. nor Tsutsui et al., alone or in combination,

suggest any benefits to be had by dividing a desired program retrieved by retrieving means into an outline part and a supplemental part that are recombined by recombining means to restore the initial program.

Applicant respectfully submits that, even combining Barrett et al. with Tsutsui et al., the subject matter of claims 4, 12, and 19 is not disclosed.

Accordingly, for the above-stated reason, it is respectfully submitted that claims 4, 12, and 19 are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 5, 13, and 20 under 35 U.S.C. § 103(a), as being unpatentable over Barrett et al., in view of U.S. Patent No. 5,895,124 (Tsuga et al.).

Applicant has carefully considered the Examiner's comments and the cited references, and respectfully submits that claims 5, 13, and 20 are patentably distinct over the cited references for at least the following reason.

Tsuga et al., as understood by Applicant, relates to an optical disc storing a plurality of sets of audio data and a plurality of sets of sub-picture data that are interleaved with moving picture data for which the audio data and sub-picture data that are reproduced with moving picture data are dynamically changed.

The Examiner contends that Tsuga et al. discloses the division of audio data into vocal data and accompaniment data. However, neither Barrett et al. nor Tsuga et al., alone or in

combination, suggest any benefits to be had by dividing a desired program retrieved by retrieving means into an outline part and a supplemental part that are recombined by recombining means to restore the initial program.

Applicant respectfully submits that, even combining Barrett et al. with Tsuga et al., the subject matter of claims 2, 10, and 16 is not disclosed.

Accordingly, for the above-stated reason, it is respectfully submitted that claims 5, 13, and 20 are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claims 7, 8, 14, 22, and 23 under 35 U.S.C. § 103(a), as being unpatentable over Barrett et al., in view of U.S. Patent No. 5,592,511 (Schoen et al.).

Applicant has carefully considered the Examiner's comments and the cited references, and respectfully submits that claims 7, 8, 14, 22, and 23 are patentably distinct over the cited references for at least the following reason.

Schoen et al., as understood by Applicant, relates to a system for creation of user-selected customized audio products that include a plurality of songs from different recording artists recorded on a single compact disc or digital audio tape cassette at record distributor locations utilizing a digitized, central database with production hardware at distributor sites. The system records costs of the digitized audio for billing purposes and produces descriptive material including contents, background information, and label

graphics.

The Examiner contends that Schoen et al. discloses reproduction of the outline part at the terminal equipment "for monitoring not counted for billing." However, neither Barrett et al. nor Schoen et al., alone or in combination, suggest any benefits to be had by dividing a desired program retrieved by retrieving means into an outline part and a supplemental part that are recombined by recombining means to restore the initial program.

Applicant respectfully submits that, even combining Barrett et al. with Schoen et al., the subject matter of claims 7, 8, 14, 22, and 23 is not disclosed.

Accordingly, for the above-stated reason, it is respectfully submitted that claims 7, 8, 14, 22, and 23 are patentable over the cited references.

Reconsideration is respectfully requested of the rejection of claim 17 under 35 U.S.C. § 103(a), as being unpatentable over Barrett et al., in view of U.S. Patent No. 5,664,056 (Akagiri).

Applicant has carefully considered the Examiner's comments and the cited references, and respectfully submits that claim 17 is patentably distinct over the cited references for at least the following reason.

Akagiri, as understood by Applicant, relates to an encoder apparatus and method for compressing a digital input signal derived from an analog signal to reduce the number of bits required to represent the analog signal with low

quantizing noise. In the encoder the digital input signal derived from the analog signal is divided into frequency ranges. The digital signal in each of the frequency ranges is divided in time into blocks, the time duration of which may be adaptively varied. The blocks are orthogonally transformed into spectral coefficients that are grouped into critical bands. The total number of bits available for quantizing the spectral coefficients is allocated among the critical bands.

The Examiner contends that Akagiri discloses the conversion of frequency-axial signals of the outline part and the supplement part respectively distributed from the information service center, to time-axial signals. However, neither Barrett et al. nor Akagiri, alone or in combination, suggest any benefits to be had by dividing a desired program retrieved by retrieving means into an outline part and a supplemental part that are recombined by recombining means to restore the initial program.

Applicant respectfully submits that, even combining Barrett et al. with Akagiri, the subject matter of claim 17 is not disclosed.

Accordingly, for the above-stated reason, it is respectfully submitted that claim 17 is patentable over the cited references.

The references cited as of interest have been reviewed, but are not seen to show or suggest the present invention as recited in the claims.

Should the Examiner disagree, it is respectfully

requested that the Examiner specify where in the cited document there is a basis for such disagreement.

The Office is hereby authorized to charge any additional fees which may be required in connection with this Amendment and to credit any overpayment to Deposit Account No. 03-3125.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM, LLP

Jay H. Maioli
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JHM/AVF

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT OF THE DISCLOSURE

The Abstract of the Disclosure has been amended as follows:

--In a data distribution system for [service] distribution of music data from an information service center to remote user terminal equipment [remote from the information service center], the music data [to be served] distributed to the user's terminal is divided into an outline data part [permitting knowing of the] representing an outline of the music data and a supplement data part recombinable with the outline part[,] to restore the [complete] music data. The outline and supplement parts are time-division transmitted to the terminal equipment. Even if the terminal equipment [can receive a] receives data [only] at a low transfer rate[,] it can receive the outline part first and reproduce, for continuous monitoring, the music data being downloaded [for monitoring].--